

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KENDRA ROSS,)
)
Plaintiff,)
)
v.) Case No. 17-cv-2547-DDC-TJJ
)
ROYALL JENKINS, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Royall Jenkins’ Motion for Writ of Certiorari (ECF No. 18). The Court is unable to determine what Defendant seeks in his motion and does not have authority to issue a writ of certiorari in this case. The Court will therefore deny the motion.

A writ of certiorari is authorized in the following instances. Parties wishing to have their appeals heard by the United States Supreme Court may file a writ of certiorari following an adverse decision by a United States Court of Appeals.¹ Parties wishing to have their appeals heard by the United States Supreme Court may file a writ of certiorari following an adverse decision by the highest court of a State.² And in a case pending in a United States District Court that has been removed from a State court but the parties have not properly filed the State court record in the federal case, the District Court may issue a writ of certiorari to the State court to obtain the State court records.³

None of these three situations is present in this case. Because Defendant has filed a

¹ See 28 U.S.C. § 1254.

² See 28 U.S.C. § 1257.

³ See 28 U.S.C. § 1447(b).

motion seeking a writ that this Court is unable to issue, the Court has no authority to grant the motion.

The Court notes that according to the returns of service Plaintiff has filed in the court record,⁴ all Defendants (including Royall Jenkins) have been served with process and the time has passed for each to answer or otherwise respond to Plaintiff's complaint.⁵ Defendant Jenkins' current motion does not meet the requirements of the rules.

IT IS THEREFORE ORDERED that Defendant Royall Jenkins' Motion for Writ of Certiorari (ECF No. 18) is DENIED.

Dated this 16th day of October, 2017 at Kansas City, Kansas.

s/ Teresa J. James
Teresa J. James
U.S. Magistrate Judge

⁴ See ECF Nos. 9-17.

⁵ See Fed. R. Civ. P. 12(a)(1).